

04-CV-00896-CMP

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IMAD YANNI and MARYANN YANNI,

Plaintiffs,

v.

CITY OF SEATTLE; ROBERT
MAHONEY; S.A. ELLIOTT,

Defendants.

No.

C04-896

COMPLAINT FOR DAMAGES

Plaintiffs allege as follows:

1. PARTIES

1.1 Plaintiff Imad Yanni is a citizen of the United States and the State of Washington and a resident of King County, Washington.

1.2 Plaintiff Maryann Yanni is a citizen of the United States and the State of Washington and a resident of King County, Washington.

1.3 Defendant Robert Mahoney is a Seattle police officer and a resident of the Western District of Washington.

COMPLAINT FOR DAMAGES - 1

ORIGINAL

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s/c issd #850858

1 1.4 Defendant S.A. Elliott is a Seattle police officer and a resident of the Western
2 District of Washington.

3 1.5 Defendant City of Seattle is a municipal corporation organized under the laws of the
4 State of Washington, which is located in the Western District of Washington.
5

6 **2. JURISDICTION AND VENUE**

7 2.1 This court has original jurisdiction over claims brought under 42 U.S.C.S. §1983
8 and 28 U.S.C. § 1331.

9 2.2 Venue is properly located in Western Washington under 28 U.S.C.S. §1391(b).
10 The incidents complained of in this Complaint occurred in King County, Washington. Some or
11 all of the defendants are residents of King County, Washington.
12

13 **3. FACTUAL ALLEGATIONS**

14 3.1 On June 12, 2002, at approximately 10 p.m., on the 1700 block of Bellevue Avenue
15 in Seattle, Washington, plaintiff Maryann Yanni was physically seized with unnecessary and
16 unreasonable force by defendant Robert Mahoney.

17 3.2 At the time of the seizure, Officer Mahoney did not have any reasonable suspicion
18 that Mrs. Yanni had committed a crime or was about to commit a crime.
19

20 3.3 When Imad Yanni asked what was going on, defendants Mahoney and Elliott seized
21 him using unnecessary and unreasonable force. They did this without probable cause to believe
22 he had committed a crime. They used force on him, injuring him, in full view of Mrs. Yanni.
23 They arrested him and took him into custody in his wife's presence.
24
25

1 3.4 After arresting Mr. Yanni, defendants Mahoney and Elliott caused him to be
2 detained for almost two days, and to be charged with and prosecuted for felony assault. They did
3 so knowing he was innocent of that crime, in order to conceal and cover up their own
4 misconduct.
5

6 3.5 Mr. Yanni was tried and acquitted on the assault charge. Following his acquittal,
7 some of his trial jurors suggested to him that he should file suit against the officers who arrested
8 him.

9 3.6 Despite Mr. Yanni's acquittal, and a complaint made by Mrs. Yanni regarding the
10 seizures, the Seattle Police Department took no disciplinary action and in fact ratified the
11 officers' mistreatment of Mr. and Mrs. Yanni and the violation of their constitutional rights.
12

13 3.7 The violation of Mr. and Mrs. Yanni's constitutional rights was the proximate and
14 foreseeable result of the policies, customs and usages of the City of Seattle and its police
15 department
16

17 3.8 The actions by defendants described above were taken in violation of the plaintiffs'
18 clearly established statutory and constitutional rights.

19 3.9 As a direct and proximate result of the acts and omissions of defendants, plaintiffs
20 have suffered and will suffer injury and damages, including legal costs and expenses, loss of
21 liberty, physical pain and suffering, medical expenses, loss of earning capacity, emotional
22 distress and loss of the enjoyment of life, loss of sleep, anxiety, humiliation, damage to
23 reputation, all in amounts to be proved at trial.
24
25

1 **4. COLOR OF STATE LAW AND AGENCY**

2 4.1 The actions and omissions of the defendants set out in paragraphs 3.1-3.9 above
3 were all engaged in under color of the laws of the State of Washington and pursuant to and as a
4 result of the policies, customs and usages of the City of Seattle.
5

6 4.2 At all relevant times, defendants Mahoney and Elliott were acting within the
7 scope of their employment by the City of Seattle.

8 **5. CLAIM ALLEGATIONS**

9 **Civil Rights Violations**

10 5.1 By virtue of the facts set forth in paragraphs 3.1 through 3.9 above, the defendants
11 are liable for compensatory and punitive damages for deprivation of plaintiffs' civil rights
12 guaranteed by the Fourth and Fourteenth Amendments of the Constitution of the United States
13 and 42 U.S.C. §1983.
14

15 **6. PRAYER FOR RELIEF**

16 WHEREFORE, plaintiffs pray for judgment against defendants as follows:

17 6.1 For compensatory damages on all of their claims in an amount to be proved at the
18 time of trial, including liquidated damages to the extent available under law;
19

20 6.2 For punitive damages from defendants Mahoney and Elliott;

21 6.3 For costs of suit, disbursements and reasonable attorneys' fees pursuant to 42
22 U.S.C.S. §1988; and

23 6.4 For such other and further relief as the court deems just and proper.
24
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1
2 DATED this 16th day of April, 2004.

3 MacDONALD, HOAGUE & BAYLESS

4
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